

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Criminal No. 05-325 (JRT/FLN)

Plaintiff,

v.

O R D E R

OTIS DAIR BURKS,

Defendant.

Lisa D. Kirkpatrick, Assistant United States Attorney, **OFFICE OF THE UNITED STATES ATTORNEY**, 600 United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415, for plaintiff.

CAROLINE DURHAM, **DURHAM LAW OFFICE**, 250 Third Avenue North, Suite 650, Minneapolis, Minnesota 55401, for defendant.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated January 3, 2006 and as Supplemented on March 29, 2006, all the files and records, and no objections having been filed to said Supplemental Report and Recommendation,

IT IS HEREBY ORDERED that defendant's motion to suppress statements [Docket No. 17] is **GRANTED**, and defendant's motion to suppress evidence as a result of an unlawful seizure [Docket No. 20] is **GRANTED**.

This matter is scheduled for trial on June 5, 2006 at 9:30 a.m. before the Honorable John R. Tunheim. The trial will be held in Courtroom 13E at the United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415. Proposed voir dire and jury instructions shall be filed on or before May 30, 2006.

DATED: May 4, 2006
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge